

**IC 16-22-9****Chapter 9. Power of Condemnation for Nonprofit General Hospitals in Certain Counties****IC 16-22-9-1****Application of chapter**

Sec. 1. This chapter applies to a county containing any of the following:

- (1) A second class city.
- (2) A consolidated city.

*As added by P.L.2-1993, SEC.5.*

**IC 16-22-9-2****General hospital defined**

Sec. 2. As used in this chapter, "general hospital" means an inpatient facility open to the general public that admits any combination of maternity, acute, or long term medical or surgical patients and provides personal care, x-rays, laboratory, surgery, and other recognized hospital specialized diagnostic or treatment facilities and services for the purpose of furnishing inpatient medical or surgical care.

*As added by P.L.2-1993, SEC.5.*

**IC 16-22-9-3****General hospital services defined**

Sec. 3. As used in this chapter, "general hospital services" means hospital services furnished by a general hospital.

*As added by P.L.2-1993, SEC.5.*

**IC 16-22-9-4****General hospital as public use**

Sec. 4. General hospitals owned and operated by nonprofit hospital corporations are declared to be a public use.

*As added by P.L.2-1993, SEC.5.*

**IC 16-22-9-5****Conditions for exercise of eminent domain**

Sec. 5. The county executive or the city legislative body of a city in a county subject to this chapter may acquire by condemnation real property or an interest in real property, including any buildings, structures, or other improvements, immediately adjacent to and necessary for the expansion of a general hospital owned and operated by a nonprofit hospital corporation if the following conditions are met:

- (1) The construction of hospital facilities is to begin not more than three (3) years after the date of acquisition by condemnation.
- (2) The county executive or the city legislative body finds that the acquisition and expansion is necessary.

*As added by P.L.2-1993, SEC.5.*

#### **IC 16-22-9-6**

##### **Use and purposes of condemnation; reversion upon failure to commence hospital construction**

Sec. 6. The condemnation and acquisition must be for the use and benefit of and at the expense of the nonprofit hospital corporation as set forth in section 9 of this chapter. If construction of hospital facilities is not commenced not more than three (3) years after the date of acquisition by condemnation, the title to the real property reverts to the person from which the property was acquired. The time for commencing construction is extended by delays caused by strikes, lockouts, fire, or causes beyond the control of the nonprofit hospital corporation.

*As added by P.L.2-1993, SEC.5.*

#### **IC 16-22-9-7**

##### **Commencement of construction; filing of affidavit**

Sec. 7. An officer of the corporation shall, not more than sixty (60) days after the commencement of construction, make and file with the county recorder an affidavit showing the date of commencement of construction. An action to effect reversion or to put in issue the commencement of construction within the required time must be commenced not more than two (2) years after the filing of the affidavit.

*As added by P.L.2-1993, SEC.5.*

#### **IC 16-22-9-8**

##### **Terms and conditions of acquisition**

Sec. 8. The acquisition and condemnation authorized by this chapter shall be made in accordance with IC 32-24-1 and IC 32-24-6.

*As added by P.L.2-1993, SEC.5. Amended by P.L.2-2002, SEC.68.*

#### **IC 16-22-9-9**

##### **Payment of costs, attorney's fees, and damages to real estate owner**

Sec. 9. The:

- (1) costs and expenses incurred in the condemnation proceedings, including reasonable attorney's fees for the condemning authority; and
- (2) award or damages due the owner of the real property taken in the condemnation proceedings;

shall be paid by the nonprofit hospital corporation to the owner of the real property or to the clerk of the court and possession taken by the nonprofit hospital corporation in accordance with IC 32-24-1-10.

*As added by P.L.2-1993, SEC.5. Amended by P.L.2-2002, SEC.69.*

#### **IC 16-22-9-10**

##### **Abandonment of proceedings**

Sec. 10. If the nonprofit hospital corporation elects to abandon the condemnation proceedings, the corporation shall pay the expenses or losses actually incurred by the condemning authority arising out of the condemnation proceedings. The nonprofit hospital corporation

may enter into the defense against claims or demands arising out of the condemnation proceedings.

*As added by P.L.2-1993, SEC.5.*

#### **IC 16-22-9-11**

##### **Transfer of acquired property**

Sec. 11. When the nonprofit hospital corporation has paid the amount of the award or damages, and all costs and expenses incurred in the condemnation proceedings, including reasonable attorney's fees for the condemning authority, the condemning authority shall transfer, assign, and convey to the nonprofit hospital corporation the real property acquired in the condemnation proceedings.

*As added by P.L.2-1993, SEC.5.*

#### **IC 16-22-9-12**

##### **Operation of benefited hospitals; discrimination; rates and charges; use by nonresidents**

Sec. 12. A nonprofit hospital corporation for whose use and benefit condemnation proceedings are instituted shall be operated for the benefit of all the inhabitants of the county without discrimination. The rates and charges for services must be reasonable and be uniform for all inhabitants of the county. The governing body of the hospital may extend the privileges and use of the hospital to persons residing outside of the county upon terms and conditions the governing body prescribes.

*As added by P.L.2-1993, SEC.5.*

#### **IC 16-22-9-13**

##### **Physician use of facilities**

Sec. 13. The grant or exercise of the power of condemnation under this chapter for the use and benefit of a nonprofit hospital corporation does not control, limit, or alter the right of the nonprofit hospital corporation to determine the physicians that may practice in or admit patients to the hospital.

*As added by P.L.2-1993, SEC.5.*